

REMARKS

Summary of the Office Action

The Election filed on January 11, 2005 has been acknowledged.

Examiner's acknowledgement of Applicants' claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f) is noted.

Claims 1-23 and 27-56 stand objected to because of informalities.

Claims 29 and 39 stand rejected under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for a groovy structure formed in the support portion, does not reasonably provide enablement for the groovy structure "in the light reflection portion."

Claims 1-14 and 17-19 stand rejected to under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as the invention.

Claims 1, 4, 5, 9, 11, 19, 20, 21, 42 and 49, as far as respective claims are understood, stand rejected under 35 U.S.C. § 102(b) as being anticipated by (U.S. Patent No. 6,220,561) to Garcia.

Claims 2, 3, 6-8, 10, 12-14 and 16-18 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, set forth in the Office Action and to include all of the limitations of the base claim and any intervening claims.

Claims 50-56 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 15, 16, 22, 23, 27, 28, 30-36, 37, 38, 40, 41 and 43-48 are allowed.

Summary of the Response to the Office Action

Claims 2-5, 11, 12, 15, 17, 18, 43, 45, 48, 50, 51, 55 and 56 have been amended to describe the invention differently. Claims 1, 9, 19-21, 42 and 49 have been cancelled without prejudice or disclaimer. Claims 24-26 have previously been withdrawn. Accordingly, claims 2-8, 10-18, 20, 22-41, 43-48, and 50-56 are presently pending.

Allowable Subject Matter

Applicants thank the Examiner for indicating allowable subject matter in claims 2, 3, 6-8, 10, 12-14 and 16-18. These claims have been amended as suggested in the Office Action. Therefore, Applicants respectfully request that the objection to these claims be withdrawn and the claims pass to allowance.

Claim Objections Due to Informalities

Claims 1-23 and 27-56 are objected to because the term “substrate” in these claims does not coincide with the substrate described in the specification. Claims 2-5, 11, 12, 15, 17, 18, 43, 45, 47, 48, 50, 51, 55, and 56 have been amended as suggested in the Office Action. Applicants respectfully request that the objection to claims 2-5, 11, 12, 15, 17, 18, 43, 45, 47, 48, 50, 51, 55, and 56 be withdrawn. Applicants respectfully traverse this objection as to claims 6-8, 10, 13, 14, 16, 22, 23, 27-41, 44, 46, and 52-54. Applicants respectfully submit that the term “substrate”

does not appear in claims 6-8, 10, 13, 14, 16, 22, 23, 27-40, 44, 46, and 52-54. Accordingly, Applicants respectfully request that the objection to claims 6-8, 10, 13, 14, 16, 22, 23, 27-40, 44, 46, and 52-54 be withdrawn.

Applicants respectfully submit that claim 41 relates to an optical switch and in this claim the use of “substrate” is supported in the specification. For example, claim 41 recites “[a]n optical switch comprising a substrate, a movable portion one end part of which is fixed to said substrate, and a mirror portion which is mounted on a side of the other end of said movable portion....” This claim is supported by at least figures 40A and 40B which show a substrate 230, a movable portion 231, one end of which is fixed to said substrate at 231a, and a mirror portion 118 which is mounted on a side of the other end part of said movable portion. Accordingly, Applicants respectfully request that the objection to claim 41 be withdrawn.

The Rejection Under 35 U.S.C. § 112, First Paragraph

Claims 29 and 39 stand rejected under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for a groovy structure formed in the support portion, does not reasonably provide enablement for the groovy structure “in the light reflection portion.” Applicants respectfully traverse the Office Action’s rejection for the following reasons.

Applicants respectfully submit that there is support in the specification for a groovy structure in the light reflection portion. For example, page 91, lines 1-4 state, “in the optical switch in the second embodiment, those parts of the **reflection portion** 101 which the distal end parts of the stop portions 91, 92 touch **may well be provided with the groovy structure parts**

105c.” Therefore, Applicants respectfully submit that there is support in the specification for a groovy structure “in the light reflection portion.” Applicants respectfully request that the rejection under 35 U.S.C. § 112, first paragraph, of claims 29 and 39 be withdrawn.

The Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 1-14 and 17-19 stand rejected to under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants cancel claims 1, 9, 19 and amend claims 2-5, 11, 12, 17 and 18 in accordance with the comments in the Office Action. Applicants respectfully submit that the amendments to these claims do not narrow the intended scope of the claims, and therefore, Applicants do not intend to relinquish any subject matter by these amendments.

Applicants respectfully submit that claims 2-8, 10-14, 17 and 18, as amended, fully comply with the requirements of 35 U.S.C. § 112, second paragraph. As noted in the Office Action, the indefiniteness of claims 2-5, 6-14 and 17-19 would be overcome when the antecedent basis is corrected in claim 1. Since claim 1 has been canceled and its limitations incorporated into claims 2 and 3 and its antecedent basis has been corrected, Applicants respectfully submit that claims 6-8 and 10, which depend from the amended claims, fully comply with the requirements of 35 U.S.C. § 112, second paragraph.

Furthermore, the Office Action objected to claim 13 because of a contradiction with claim 12 from which it depends. Applicants respectfully submit that claim 12 has been amended in accordance to the comments in the Office Action to rectify the contradiction with claim 13.

Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 112, second paragraph, of claims 1-14 and 17-19 be withdrawn.

The Rejection Under 35 U.S.C. § 102

Claims 1, 4, 5, 9, 11, 19, 20, 21, 42 and 49, as far as respective claims are understood, stand rejected under 35 U.S.C. § 102(b) as being anticipated by (U.S. Patent No. 6,220,561) to Garcia.

Applicants cancel claims 1, 9, 19, 20, 21, 42 and 49. Furthermore, Applicants amend claims 4 and 11 to depend from claim 3. The Office Action states that claim 3 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph and if it included all of the limitations of the base claim and any intervening claims. Claim 3 is amended to include the limitations of claim 1 from which it originally depended. Furthermore, Applicants respectfully submit that claim 3 is amended to overcome the rejection under 35 U.S.C. § 112, second paragraph. Furthermore, the Office Action acknowledges that “the support portion[, as recited in claim 3,] is constructed of a multilayer film wherein at least two films have a different coefficient of thermal expansion. Though Garcia’s support portion has multilayer portions, there is no clear teaching or implication regarding the coefficient of thermal expansion of each layer.” Thus, Applicants respectfully submit that claim 3 is allowable.

Claims 4 and 11 depend from claim 3 and claim 5 depends from claim 4. Therefore, claims 4, 5 and 11 are allowable for at least the same reasons as claim 3. Accordingly,

Applicants respectfully request that the rejection of claims 4, 5 and 11 under 35 U.S.C. § 102(b) be withdrawn.

Claim Objections

Claims 50-56 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants amend claims 50 and 56 to include all of the limitations of claim 49 from which they originally depended. Accordingly, Applicants respectfully request that the objection to claims 50 and 56 be withdrawn. Furthermore, Applicants respectfully submit that dependent claims 51-55 are in condition for allowance for at least the same reasons as set forth above with regard to independent claim 50 upon which they depend. According, Applicants respectfully request that the objection to claims 51-55 be withdrawn.

CONCLUSION

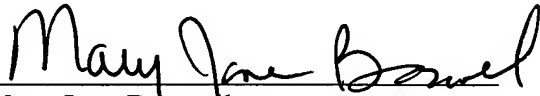
In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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